Applicant respectfully submits an amended Abstract. The amended Abstract is fully supported by the application as filed, e.g., by page 2, lines 26-33. Applicant respectfully submits that the amended Abstract is representative of an embodiment of the invention, and should not be considered as limiting the scope of the claims.

Applicant respectfully submits amendments to the specification. The expression "machine-implemented" has been replaced by "system-implemented" upon request of the Examiner. This amendment is supported by the application as filed, e..g., page 2, line 21.

Applicant respectfully submits an amended claim 1 to bring the claim into conformity with the changes to the specification. The amendment is supported by the application as filed, e.g., page 2, line 21.

Clean copies of the amended claims, abstract and of the relevant paragraphs of the specification are enclosed in a separate annex.

Applicant respectfully traverses the rejections under 35 USC §101; under 35 USC §102(e) and under 35 USC §112, first paragraph.

Applicant respectfully traverses the rejection of claim 1 under 35 USC §101. The rejection under 35 USC §101 seems to be inapplicable. Claim 1 relates to a machine-implemented method of doing business. The method comprises customizing equipment via a data network. The equipment is customized upon a notification from a customer. The notification is associated with a previous commercial activity. Section 101 of the code states that any invention falling within one of the four stated categories of statutory subject matter, i.e., any new and useful process, machine, manufacture, or

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composition of matter may be patented, provided it meets the other requirements for patentability set forth in Title 35, namely, those found in §102, §103, and §112, second paragraph. The Supreme Court has acknowledged that Congress intended §101 to extend to "anything under the sun that is made by man." Thus, the Court made clear that it is improper to read limitations into § 101 on patentable subject matter, where the associated legislative history indicates that Congress clearly did not intend such limitations. The utility of the invention, e.g., its practical application, is addressed in the specification of the application as filed, e.g., page 1, line 20 - page 2, line 16. Applicant further respectfully submits that whether or not a claim contains non-functional and non-descriptive subject matter is not an issue addressed by §101. Accordingly, claim 1 complies with the utility requirement of §101 and is therefore statutory subject matter. Applicant respectfully requests that the rejection under §101 be withdrawn, or that the Examiner explain in more detail the reason for this rejection so that the claims can be amended if necessary.

Applicant respectfully traverses the rejection of claim 1 under 35 USC §112, first paragraph, as it seems to be inapplicable. This section of the USC addresses the specification: "The specification shall contain a written description of the invention and of the manner and process of making and using it, in such full, clear, concise and exact terms as to enable any person skilled in the art to which it pertains, or which is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.". The specification explains, e.g., in page 1, line 20 - page 2, line 16 the usefulness

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of the invention. Accordingly, the rejection of a claim 1 under 35 USC §112, first paragraph, seems to be improper. Applicant respectfully requests that the rejection under 35 USC §112, first paragraph, be withdrawn or that the Examiner explain in more detail the reason for this rejection, so that the claims can be amended if necessary.

Applicant respectfully traverses the rejection of the claims under 35 USC §102(e). Below, the invention and the reference cited in support of the rejection under 35 USC §102(e) are briefly discussed. Then, arguments are given to demonstrate patentability of the claims as filed.

INVENTION

The invention relates to a method of doing business The method enables to stimulate commercial activities. The method comprises enabling to get notified by a customer of a specific one of the commercial activities. The method also comprises, upon being notified, enabling to customize, via a data network, equipment of the customer as associated with the commercial activity. For example, the commercial activities comprise sales of merchandise. The enabling to get notified comprises enabling to be notified of a purchase of the merchandise. And the enabling to customize comprises enabling customizing of the equipment as associated with the purchase of the merchandise.

The invention provides a machine-implemented method of doing business that enables to stimulate commercial activities. According to the method a customer is enabled to notify a specific party, e.g., a manufacturer, importer, or distributor, or a specialized

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service provider, of a specific commercial activity wherein he or she is or was involved. Upon being notified, the party enables customizing, via a data network such as the Internet, of the equipment of the customer as associated with the commercial activity. For example, the specific activity relates to sales of merchandise via a retailer, and the customer notifies the specific party of the purchase of the merchandise from the retailer. When the party has been notified, it enables customizing Internet-enabled or upgradeable electronic equipment of the customer, via the Internet, as associated with the specific retailer from whom the merchandise was purchased. For example, the merchandise is related to the Internet (software application or hardware device) and the customer has purchased it to make it part of his/her Internet-enabled equipment. The merchandise is enabled to be customized via the Internet, preferably according to specifications from the retailer, and also according to input as to, e.g., the intended usage, supplied by the customer at the time when the specific party was notified.

LEMOLE ET AL. (US PATENT 6,009,410)

LeMole relates to a method and system for presenting customized advertising to a user on the Web (col.1, lines 6-8).

A customized advertising repository server is connected on the World Wide Web (WWW), which can be accessed by a registered user through his or her browser either by clicking on an icon, or by inputting the specific URL address of the particular server which stores that user's advertising repository (col.1, lines 57-62).

When the user accesses his or her customized ad repository through the browser, a composite advertising page is dynamically

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configured by the Customized Advertising Repository (CAR) server for that particular user based on that user's previously provided user profile. Furthermore, at least a portion of that composite advertising page can be dynamically configured on a context dependent basis determined from the particular Web site or sites that the user has accessed prior to entering the commercial context mode. This context dependency that links the advertising presented to the user by the CAR to the Web site or sites previously accessed by the user can be based on key words associated with just the site accessed immediately prior to entering the commercial context mode (col.2, lines 13-26).

The customized page is created by selecting from among a storehouse of plural different subscribing advertisers and their associated banner ads, images, etc., those particular images, etc. that will be elements of the customized page based on the user's specific areas of interest as determined from the profile, and/or the context dependency (col.2, lines 35-41).

As the user at client terminal 101 "surfs the Net", he or she at some time decides to exit an information-seeking work context mode to enter a commercial context mode to view advertising of products, services, etc., specifically directed to him or her. As previously noted, an incentive may be given to the user by his or her Internet service provider to "visit" such an advertising repository. Such an incentive may be reduced Internet access charges, or the presentation of a special offer or discount for an advertised product or service only available to "visitors" to a certain site, which offers are not available to the general public (col.3, line 67 - col.4, line 10).

When Content Server 108 receives a request from the user, the

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HTTP server 110 within recognizes the user either through the input of an ID by the user, or through a "cookie" previously provided to the user's browser by server 110 in a previous interaction. The received request is passed by HTTP server 110 to CAR server 111, which accesses an associated and cooperatively connected database 112 to dynamically configure an advertising page specifically for that user. In order to dynamically configure such a customized advertising page for the user, database 112 stores an electronic profile for each registered user. Such a profile indicates subject areas of interest of each user and a user's demographic data from which information a plurality of images, banners, video clips, sound clips, etc. from different advertisers are combined by CAR server 111 into an aggregated advertising page or pages with hyperlinks to the advertising sites of each of the combined advertisers (col.4, lines (col.4, lines 18-35).

Such a profile of interests and demographic data is provided by the user on-line when the user registers to have access to the customized advertising repository service or off-line through a slow-mail registration process (col.4, lines 36-39).

ARGUMENTS

As to the rejection of claim 1 under §102(e), LeMole neither teaches nor suggests the claim limitation "enabling to be notified by a customer of a specific one of the commercial activities". Further, LeMole neither teaches nor suggests the claim limitation "upon being notified, enabling customizing, via a data network, of equipment of the customer as associated with the commercial activity".

LeMole discloses having the user provide a profile of interest

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in advance, and dynamically configuring an advertizing page according to this profile when the system recognizes the user logging in to the system. The customizing in LeMole relates to the profile of interest, as opposed to the commercial activity determines the customizing, as specified in claim 1. The customizing of LeMole gets enabled by the user accessing the CAR server, whereas, in the invention, the notification about a commercial transaction enables the customizing. Accordingly, the rejection of claim 1 under §102(e) is incorrect.

The dependent claims recite subject matter that is patentable over claim 1. For example, claim 2 specifies that the commercial activity relates to the purchase of merchandise, that the notification is of the purchase of the merchandise, and that the equipment is customized as associated with the merchandise. dependent claims are therefore patentable as well. Claim 1 neither teaches nor suggests these claim limitations. Accordingly, the dependent claims are patentable as well.

Applicant respectfully submits that he has answered all issues raised by the Examiner and that the application is in condition for allowance. Such allowance is respectfully requested.

Please charge any fees other than the issue fee to deposit account 14-1270. Please credit any overpayments to the same account.

Respectfully submitted,

By _Peter Verdonk_

Peter Verdonk
Limited Recognition under 37 CFR 10.9(b)

Tel. (408) 617-4613